

The title is amended to better describe the elected invention as requested by the Examiner. Claims 1-18 are canceled without prejudice, and new Claims 19-30 are added to further clarify the present invention. Applicants reserve the right to pursue the non-elected claims in subsequent divisional applications.

5 Support for new Claims 19-30 can be found, e.g., in originally filed Claims 11-17. In particular, support for the mature polypeptide as recited in Claim 19, can be found, e.g., in Table 1 on page 10, of the Specification. As such, Applicants believe that no new matter is added by the foregoing amendments. Entry of the above amendments is respectfully requested.

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I. Objection to the Title

The Examiner objected to the title of the invention as not being descriptive. Applicants have amended the title to describe the present invention. In view of this amendment, Applicants believe this objection to be overcome.

15 Withdrawal is respectfully requested.

II. Claim Objections

The Examiner objected to Claims 11-17 for various informalities. Claims 11-17 are canceled and are replaced by Claims 19-30. Applicants' believe that
20 new Claims 19-30 are free of the objections presented by the Examiner. In view of the cancellation of Claims 12-17, Applicants submit that the objections to these claims are moot and respectfully request their withdrawal.

III. Rejection of Claims 11-17 under 35 U.S.C. 112, Second Paragraph

25 The Examiner rejected Claims 11-17 under 35 U.S.C. 112, Second Paragraph on the basis of indefiniteness. The Examiner has set forth several claim format issues within this rejection. Originally filed Claims 11-17 are canceled and the rejection is moot as to these claims. Applicants submit that this rejection is inappropriate for new Claims 19-30. As such, Applicants believe
30 that the rejection of Claims 11-17 under 35 U.S.C. 112, second paragraph is overcome and may be properly withdrawn.

IV. Rejection of Claims 11-15 under 35 U.S.C. 112, First Paragraph

35 The Examiner rejected Claims 11-15 under 35 U.S.C. 112, first paragraph, on the basis that "... the specification while being enabling for the nucleic acids that encodes for the mature protein . . . , does not reasonably

provide enablement for nucleic acids that encode for any antigenic peptide sequence or plurality of sequences.” (Office Action, page 5). Claims 11-15 are canceled and the rejection is moot as to these claims. Applicants submit that new Claims 19-30 do not recite “antigenic peptides” or “plurality of sequences.”

5 Thus the rejection is not applicable to new Claims 19-30. In view of the foregoing, Applicants submit that the rejection of Claims 11-15 under 35 U.S.C. 112, first paragraph is overcome. Withdrawal of this rejection is respectfully requested.

10 V. Rejection of Claims 11, 16, and 17 under 35 U.S.C. 102(a) or (b) or 103(a)

The Examiner rejected Claims 11, 16, and 17 under 35 U.S.C. 102(a) or (b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Adams et al., GenBank Accession Number AA311223 or Hillier, et
15 al., GenBank Accession Number N41594. Both Adams and Hillier disclose nucleic acid sequences with identity to fragments of the polynucleotides of the present invention. Claims 11, 16, and 17 are canceled and the rejection is moot as to these claims. New Claims 19-30 do not recite “fragments”, thus the cited references fail to anticipate new Claims 19-30.

20 With regard to the alternative rejection under obviousness, this rejection is moot as to canceled Claims 11, 16, and 17. Furthermore, this rejection is inappropriate for new Claims 19-30. Neither Adams nor Hillier disclose the polynucleotides of the present invention as encompassed by new Claims 19-30. Therefore, Applicants submit that one skilled in the art would not have a
25 reasonable expectation of success of arriving at the claimed polynucleotides using either of the cited references. Thus, the Examiner has not established a prima facie case of the obviousness over new Claims 19-30.

In view of the foregoing, Applicants believe that the rejection of Claims 11, 16, and 17 under 35 U.S.C 102(a) or (b) as being anticipated by, or in the
30 alternative, under 35 U.S.C. 103(a) as obvious over the cited references is overcome. Withdrawal of this rejection is respectfully requested.

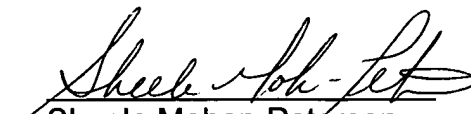
Conclusion

35 Applicants' current response is believed to be a complete reply to all the outstanding issues of the latest Office Action. Further, the present response is a

bona fide effort to place the application in condition for allowance or in better form for appeal. Accordingly, Applicants respectfully request reconsideration and passage of the amended claims to allowance at the earliest possible convenience. Applicants appreciate the Examiner noting that a potential interference may exist. Applicants respectfully request notice as soon as this issue is definite. Should the Examiner deem allowance inappropriate at this time, Applicants respectfully request an interview be granted with the undersigned to consider any issues.

Respectfully submitted,

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Enclosures:

1. Appendix A -- proposed claims

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